

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR ARGENT  
SECURITIES, INC., ASSET-BACKED PASS-  
THROUGH CERTIFICATES, SERIES 2006-W5,

Plaintiff,

-against-

HUGO BANCES, et al.,

Defendants.

ORDER

25-CV-01690 (PMH)

PHILIP M. HALPERN, United States District Judge:

On February 27, 2025, Plaintiff initiated this action by filing a Complaint, naming as defendants Hugo Bances and Jean Bances (together, “Initial Defendants”). (Doc. 1). Summonses were issued to the Initial Defendants (Docs. 6, 7), and they were served on March 15, 2025, requiring them to Answer or otherwise respond by April 7, 2025. (Docs. 8, 9). Although the Initial Defendants did not timely respond, on April 14, 2025, Jean Bances filed an Answer to the Complaint. (Doc. 21).

On April 9, 2025, 25 days after effectuating service and prior to the filing of Jean Bances’ Answer, Plaintiff filed an Amended Complaint, without first requesting leave from the Court, which added two additional defendants: the New York State Department of Taxation and Finance (“NYSD”); and YRH Property Corp. (“YRH,” and together, “Additional Defendants”). (Doc. 14). Summonses were issued as to the Additional Defendants (Docs. 15, 16), but as of the date of this Order, there is no indication on the docket that Additional Defendants have been served. Further, as of the date of this Order, Plaintiff has not filed any affidavits of service indicating that the Initial Defendants were served with the Amended Complaint.

On April 28, 2025, YRH filed an Answer to the Amended Complaint, including counterclaims and crossclaims (Doc. 23), to which Plaintiff responded on April 29, 2025, stylized as a “Reply Velrify Reply to Counterclaim” (Doc. 24).

Accordingly, for clarity of the record and in order to move this case forward in an appropriate and efficient manner, Plaintiff is directed, **by May 8, 2025**, to file a letter addressing, with citation to Second Circuit case law, why the Court should not strike the Amended Complaint, as it was filed in violation of Rule 15(a) of the Federal Rules of Civil Procedure, and without leave of the Court or the opposing parties’ written consent. Plaintiff shall also address the following in its May 8, 2025 letter:

- 1) how this litigation should proceed in light of the filing of Answers by Defendant Jean Bances and Defendant YRH to two (2) different pleadings; and
- 2) itemize which Defendants have been served with which pleading, how each Defendant was served, the timing of service of each Defendant, and the impact thereof on this Court’s jurisdiction over each of these Defendants.

Dated: White Plains, New York  
May 1, 2025

SO ORDERED:



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Philip M. Halpern  
United States District Judge